IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16063 of 2007(K)

PETITIONER:

O.V.USHA,
DIRECTOR & HEAD (RETIRED),
DEPARTMENT OF PRINTING & PUBLISHING,
MAHATMA GANDHI UNIVERSITY
ATHIRAMPUZHA, KOTTAYAM.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:

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1. THE MAHATMA GANDHI UNIVERSITY,
   REPRESENTED BY ITS REGISTRAR,
   PRIYADARSHINI HILLS P.O., KOTTAYAK.

2. THE SYNDICATE OF THE MAHATMA GANDHI
   UNIVERSITY, REPRESENTED BY ITS CHAIRMAN,
   MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

3. THE VICE CHANCELLOR,
   MAHATMA GANDHI UNIVERSITY,
   KOTTAYAM.

BY SRI.V.A.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 16063 of 2007-K

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Dated this the 29th day of May, 2007.

J U D G M E N T

Admit. Learned Standing Counsel accepts notice for the respondents.

2. Heard learned counsel for the parties and perused the materials placed on record.

3. It is brought to my notice that the Syndicate of the University is meeting today to finalise the selection process to the post of Director in the Department of Printing and Publishing in the University. It is the case of the petitioner that the selection process has been completed with unholy haste. He points out that the Division Bench had passed Ext.P1 judgment on April 12, 2007. Ext.P3 notification dated April 10, 2007 inviting application from eligible candidates for filling up the vacant post of Director was published in the newspaper on April 14, 2007.

4. However it is pointed out by the learned Standing Counsel that the Division Bench in Ext.P1 judgment had directed the petitioner to submit the representation within two weeks from the date of judgment. However Ext.P2 representation is seen to have been prepared on May 16, 2007. The Vice Chancellor might have received the representation still later. The attempt of the learned Standing Counsel is to justify the action of the University in proceeding with the selection process assuming that petitioner had no anxiety in the matter. If that had been so, the petitioner would not have delayed submission of the representation, it is contended.

5. Per contra, it is submitted by learned counsel for the petitioner that the post in question had been lying vacant for the last

more than 3 years. The notification was published by the University on the eve of the judgment of the Division Bench. Even thereafter the process was completed with undue haste which is rather strange going by the previous conduct of the University.

6. I do not propose to deal with the rival contentions of the parties since the admitted position is that the Vice Chancellor is yet to take a decision on Ext.P2 representation. It is true that the fate of the petitioner as far as the eligibility to continue in the post of Director will definitely depend on the order that has to be passed by the Vice Chancellor. The short question is whether in the peculiar facts and circumstances the University is to be restrained from making selection and appointment to the post in question. There may be some justification on the part of the petitioner in contending that she got copy of the judgment only in the third week of May and immediately thereafter she had submitted the representation.

7. In the above facts and circumstances I am satisfied that some arrangement which will not hurt both the petitioner and the University can be adopted. The Syndicate of the University can proceed with the selection process. The selected candidate need not be given the order of appointment immediately. The Vice Chancellor, in the meanwhile, shall take a decision on Ext.P2 in terms of the directions issued by the Division Bench in Ext.P1 judgment. It will be open to the University to decide the further course of action after such decision by the Vice Chancellor. .

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

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